

1971 Assembly Bill 89

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CHAPTER 43, Laws of 1971

AN ACT to create 66.048 (4) of the statutes, relating to lease or sale of space above and below municipal real estate.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

66.048 (4) of the statutes is created to read:

66.048 (4) SALE OR LEASE OF SPACE. (a) Any city or village may sell or lease the space over any street, alley or public place or municipally owned real estate or below ground level thereof to any person, if the governing body determines by resolution that such action is in the best public interest and states the reasons therefor and the prospective purchaser or lessee has provided for the removal and relocation expense for any facilities devoted to a public use where such relocation is necessary for the purposes of the purchaser or lessee. Leases shall be granted by ordinance and shall not exceed 99 years in length. No lease shall be granted nor use authorized hereunder which substantially interferes with the public purpose for which the surface of the land is used.

(b) Leases shall specify purposes for which the leased space is to be used. If the purpose is to erect in the space a building or a structure attached to the lot, the lease shall contain a reasonably accurate description of the building to be erected and of the manner in which it shall be imposed upon or around the lot. The lease shall also provide for use by the lessee of such areas of the real estate as are essential for ingress and egress to the leased space, for the support of the building or other structures to be erected and for the connection of essential public or private utilities to the building or structure.

(c) Any building erected in the space leased shall be operated, as far as practicable, separately from the municipal use. Such structure shall conform to all state and municipal regulations.

(d) Any leases under this subsection shall be subject to sub. (3)(c) and (d).
